

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States

v.

Case No. 05-cr-95-01-SM

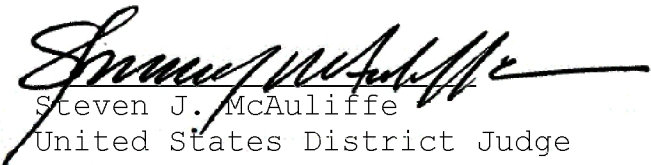
Cushaw Barnett

ORDER

Re: Document No. 143, Demand to be Released for Plain Error

Ruling: Denied. Defendant is not being held to answer for criminal conduct as such, but rather is charged with violating the terms of supervised release imposed as part of his criminal sentence. While those supervised release violations do include a claim that defendant violated the terms of his supervised release, in at least one respect, by "committing another federal or state crime," and while he may be criminally prosecuted for such conduct, that is not the basis upon which he is currently detained - it is to resolve the supervised release violations alleged in the petition and revocation report. No indictment or information is pending, nor is one required with respect to violations of supervised release terms. Should defendant also be charged with a criminal offense for conduct currently alleged as violating the terms of his supervised release, then, he can expect a complaint and/or indictment or other appropriate charging document.

Date: January 7, 2013


Steven J. McAuliffe
United States District Judge